

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

|                      |                                    |
|----------------------|------------------------------------|
| TOUSAINT E. RICHARD, | ) No. ED102776                     |
|                      | )                                  |
| Appellant,           | ) Appeal from the Circuit Court of |
|                      | ) Perry County                     |
| vs.                  | )                                  |
|                      | ) Honorable William L. Syler       |
| STATE OF MISSOURI,   | )                                  |
|                      | )                                  |
| Respondent.          | ) Filed: April 19, 2016            |

**Summary**

Tousaint Richard (Movant) appeals the judgment of the Circuit Court of Perry County denying his Rule 24.035 motion for post-conviction relief. On appeal, Movant presents two points of error.

REVERSED AND REMANDED

**Division Two Holds:**

- (1) Movant's amended motion was untimely filed and the motion court is required to conduct an independent abandonment inquiry.

Opinion by: Philip M. Hess, P.J.  
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Amy E. Lowe

Attorney for Respondent: Rachel S. Flaster

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| <b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b> |
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